

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA §
§
vs. § Case No. 4:98cr14
§ (Judge Crone)
NATHANIEL HOWARD THOMAS (27) §

REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release.

After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on March 25, 2013, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Andy Williams.

On October 16, 1998, Defendant was sentenced by the Honorable Paul Brown for the offense of Conspiracy to Possess Controlled Substances with the Intent to Distribute and Conspiracy to Distribute Controlled Substances, Possession with Intent to Distribute Cocaine Base and Distribution of Cocaine Base, and Distribution of a Controlled Substance within 1,000 Feet of a Playground. Defendant was sentenced to two hundred and thirty-five (235) months' imprisonment followed by a term of supervised release of six (6) years. Defendant's imprisonment was reduced to one hundred and eighty-eight months. On November 7, 2011, Defendant completed his period of imprisonment and began his supervised release term. The case is now assigned to Judge Marcia A. Crone.

On August 30, 2012, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following condition: (1) the defendant shall not commit another federal, state, or local crime.

The Government requested that the Court take judicial notice of Defendant's prior conviction

for failure to register. The Court took judicial notice of Defendant's conviction and judgment from Collin County. This prior judgment is on appeal. Defendant offered the testimony of the U.S. Probation Officer.

The Court finds the guideline range in this case is twelve to eighteen months. The probation officer recommended twelve months with sixty months of supervised release to follow.

RECOMMENDATION

The Court finds that Defendant has violated his conditions of his supervised release. Based upon these violations, the Court recommends that Defendant's supervised release should be revoked. The Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twelve months and one day with sixty months of supervised release to follow. The Court also recommends that this sentence should be served consecutively to any sentence of imprisonment the Defendant is currently serving. It is also recommended that Defendant be housed in the Bureau of Prisons, Forrest City Arkansas Unit.

SIGNED this 29th day of March, 2013.



AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE